



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

June 17, 2005

Mark H. Davidson
Design Consultants Group, LLC
18072 Davidson Drive
Milton, DE 19968

RE: PLUS review – PLUS 2005-05-05; Bay Manor

Dear Mr. Davidson,

Thank you for meeting with State agency planners on May 25, 2005 to discuss the proposed plans for the Bay Manor project to be located on 47.55 acres on Reynolds Road in Sussex County.

According to the information received, you are seeking to rezone the property from AR-1 to AR-1 Cluster for the construction of a residential subdivision in the Level 4 area.

This proposal is located in Investment Level 4 according to the *Strategies for State Policies and Spending*. **The comments in this letter are technical, and are not intended to suggest that the State supports this development proposal. This letter does not in any way suggest or imply that you may receive or may be entitled to permits or other approvals necessary to construct the development you indicate or any subdivision thereof on these lands.**

These comments reflect only issues that are the responsibility of the agencies represented at the PLUS review meeting. Note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. The developers must comply with any Federal, State and local regulations regarding this property. Specifically, Sussex County is the governing authority over this land and the developers will need to comply with any and all regulations/restrictions set forth by the County.

Executive Summary

This section includes some site-specific highlights from the agency comments found in this letter and is provided for your convenience and reference. The full text of this letter represents the official state response to this project. ***Our office notes that the applicants are responsible for reading and responding to this letter and all comments contained within it in their entirety.***

Project Location

- This project represents a major land development that will result in 95 residential units in an Investment Level 4 area according to the *2004 Strategies for State Policies and Spending*. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4 areas. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.

Natural/Cultural Resources

- The site plan should be revised to preserve more forested area.
- The site includes potential Delmarva fox squirrel habitat. The Delmarva fox squirrel was listed as federally endangered in 1967 and is protected by the Endangered Species Act. Requirements for addressing this are included in the “Rare/Threatened/Endangered Species” section of the letter.

Agricultural Preservation

- The site borders the Carlton Wells Agricultural Preservation District to the south. Both the 50-foot setback and 300-foot notification zone requirements apply.

This office has received the following comments from State agencies:

Office of State Planning Coordination – Contact Ann Marie Townshend 739-3090

This project represents a major land development that will result in 95 residential units in an Investment Level 4 area according to the *2004 Strategies for State Policies and Spending*. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4 areas. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.

From a fiscal responsibility perspective, development of this site is likewise inappropriate. The cost of providing services to development in rural areas is an inefficient and wasteful use of the State’s fiscal resources. The project as proposed is likely to bring more than 230 new residents to an area where the State has no plans to invest in infrastructure upgrades or additional services. These residents will need access to such services and infrastructure as schools, police, and transportation. To provide some examples, the State government funds 100% of road maintenance and drainage improvements for the transportation system, 100% of school transportation and paratransit services, up to 80% of school construction costs, and about 90% of the cost of police protection in the unincorporated portion of Sussex County where this development is proposed. Over the longer term, the unseen negative ramifications of this development

will become even more evident as the community matures and the cost of maintaining infrastructure and providing services increases.

Because the development is inconsistent with the *Strategies for State Policies and Spending*, the State is opposed to this proposed subdivision.

State Historic Preservation Office (SHPO) – Contact Alice Guerrant 739-5685

The site is in the Level 4 area the SHPO opposes development because it will cause a loss to the historic agricultural landscape, especially to the farmstead (S-3382) just south of the project area. There is low potential for prehistoric archaeological sites, but Beers Atlas of 1868 shows the R.H. Carey House within or very close to the parcel. Therefore there is a high potential for a historic-period archaeological site.

Department of Transportation – Contact Bill Brockenbrough 760-2109

Reynolds Road LLC seeks to develop 95 single-family detached houses on an approximately 47.55-acre assemblage of parcels (Tax Parcels 2-35-7.00-147.00, 147.04 and part of 147.01) on the west side of Reynolds Road (Sussex Road 233) between Draper Road (Sussex Road 234B) and Williams Farm Road (Sussex Road 235A). The land is zoned AR-1 in Sussex County and would be developed under the AR-1 cluster option.

This development is proposed for an area designated as Level 4 under the *Strategies for State Policies and Spending*. The type of development being proposed has been deemed inappropriate, for this area by the *Strategies for State Policies and Spending*. In support of the *Strategies*, DelDOT refrains from participating in the cost of any road improvements needed to support this development and is opposed to any road improvements that will substantially increase the transportation system capacity in this area. DelDOT will only support taking the steps necessary to preserve the existing transportation infrastructure and make whatever safety and drainage related improvements are deemed appropriate and necessary. The intent is to preserve the open space, agricultural lands, natural habitats and forestlands that are typically found in Level 4 areas while avoiding the creation of isolated development areas that cannot be served effectively or efficiently by public transportation, emergency responders, and other public services.

If this development proposal is approved, notwithstanding inconsistencies with the relevant plans and policies, DelDOT will provide technical review and comment as appropriate in order to fulfill its responsibilities with respect to safety and drainage.

DelDOT strongly supports new development in and around existing towns and municipalities, and in areas designated as growth zones in approved Comprehensive Plans. We encourage the use of transfer of development rights where this growth management tool is available.

The Department of Natural Resources and Environmental Control

Contact Kevin Coyle 739-3091

Design Recommendation

The site plan shows lot lines, roads, and a wastewater treatment facility within the wooded area. The site plan should be revised to preserve more forested area. It does not make sense to clear trees for a wastewater treatment facility that can be located in an area that has already been cleared. The number of lots could be reduced or lots 15-23, 94 and 95 could be moved to a non-forested area and the road shifted out of the woods. Finally, lots 15 through 18 should be removed or relocated to protect the forest and wildlife corridor along Deep Creek.

Soils

According to the Sussex County soil survey Rumford, Sassafras, and Woodstown were mapped in the immediate vicinity of the proposed construction. Rumford and Sassafras are well-drained upland soils that have few limitations for development. Woodstown is a moderately well-drained soil of low-lying uplands that has moderate limitations for development.

TMDLs

Total Maximum Daily Loads (TMDLs) pollution runoff mitigation strategies to reduce nutrient loading have not yet been developed for the Delaware Bay watershed and associated tributaries within the vicinity of the proposed project. Work is progressing and they should be available in the near future. Until specific TMDL reductions and pollution control strategies are adopted, it shall be incumbent upon the developer to employ best available technologies (BATs) and/or best management practices (BMPs) as methodological mitigative strategies to reduce degradative impacts associated with development.

Water Supply

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. A water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation. All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Dewatering well permit applications typically take approximately four weeks to process. Questions concerning these comments can be directed to Rick Rios, (302)739-3665.

Sediment and Erosion Control/Stormwater Management

- 1) A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. The plan review and approval and construction inspection will be coordinated through the Sussex Conservation District. Contact Jessica Watson, Program Manager, at (302) 856-7219 for details regarding submittal requirements and fees.

- 2) It is strongly recommended that the applicant contact the Sussex Conservation District to schedule a pre-application meeting to discuss sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre and post development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion.
- 3) A Notice of Intent (NOI) for stormwater discharges associated with construction activity must be submitted to DNREC Division of Soil and Water Conservation along with the \$195 NOI fee prior to plan approval.
- 4) Applying practices to mimic pre-development hydrology, promote recharge, maximize the use of existing natural features, and limit the reliance on structural stormwater components, such as maintaining open spaces, should be considered in the overall design of the project as a stormwater management technique.
- 5) Each stormwater management facility should have an adequate outlet for release of stormwater. Any drainage conveyed onto this site from neighboring properties must be adequately conveyed through the site to the discharge point without interruption.
- 6) Clearly address how stormwater quality and quantity treatment will be provided. If the project is eligible for a Quantity Waiver, make the request in the stormwater narrative citing the specific regulation.
- 7) Indicate on the sediment and stormwater management plan who shall be responsible for maintenance of the stormwater management facilities both during and after construction. The design of the sediment control and stormwater management plan, considerations should consider maintenance of any structures or facilities.
- 8) If a stormwater management pond is going to be utilized as a sediment trap/basin during construction it must be designed to accommodate 3,600 cubic feet of storage per acre of contributing drainage area until project stabilization is complete.
- 9) All ponds are required to be constructed per pond code 378.
- 10) If stormwater facilities will impact wetlands, a permit must be provided to the District prior to receiving approval.

Drainage

The Drainage Section recommends that all ditches on the property be checked for function and cleaned if needed prior to construction. Wetland permits may be required before cleaning ditches.

Precautions should be taken to ensure the project does not hinder any off-site drainage upstream or create problems downstream by the release of on-site storm water.

The Drainage Section strongly recommends any drainage conveyance between two parcels within the subdivision be dedicated as passive open space drainage easements and not owned by individual landowners. The easements should be of sufficient width to allow future drainage maintenance as follows.

- 1) Along an open ditch or swale, a maintenance equipment zone of 25 feet measured from the top of bank on the maintenance side, and a 10-foot setback zone measured from top of bank on the non-maintenance side. These zones should be maintained as buffers to aid in the reduction of sediment and nutrients entering into the drainage conveyance. Grasses, forbs and sedges planted within these zones should be native species selected for their height, ease of maintenance, erosion control, and nutrient uptake capabilities. Trees and shrubs planted within the maintenance zone should be native species spaced to allow for drainage maintenance at maturity. Trees should not be planted within 5 feet of the top of ditch to avoid future blockages from roots.
- 2) Along stormwater pipe, a maintenance equipment zone of 15 feet on each side of the pipe as measured from the pipe centerline. This zone should be maintained as buffer to aid in the reduction of sediment and nutrients entering into the drainage conveyance. Grasses, forbs and sedges planted within these zones should be native species selected for their height, ease of maintenance, erosion control, and nutrient uptake capabilities. Trees and shrubs planted within the maintenance zone should be spaced to allow for drainage maintenance at maturity.

The Drainage Section recommends any drainage/utility easements not have structures, decks, trees, sheds, and the like within them allow for future drainage maintenance.

Forests

The PLUS application indicates that 2.49 acres of forest will be removed for construction. Although small, this area provides water quality, air quality and habitat benefits. The developer is strongly encouraged to preserve, and where possible, enhance forested resources on the site. The wooded areas on-site should be viewed as a community asset and managed appropriately.

This parcel is part of a larger forest block. Forest fragmentation resulting from development separates wildlife populations, increases road mortality, and increases “edge effects” that leave many forest dwelling species, particularly songbirds, vulnerable to predation. Not only will this project fragment a large forest block, but the parcel to the southwest is also wooded and being considered for development. In terms of wildlife habitat and forest preservation, it is better to leave a larger continuous area of trees than a narrow buffer strip or small disconnected area of forest.

Wooded areas set aside for conservation purposes should be placed into permanent conservation easements or other binding protection. These areas should be clearly marked and delineated so that residents understand their importance and so that homeowner activities do not infringe upon them.

Open Space

To maximize existing buffering capacity and wildlife habitat, it is recommended that lot lines and other infrastructure be excluded from the forest, which should then be designated as community open space.

In areas set aside for passive open space, the developer is encouraged to consider establishment of additional forested areas or meadow-type grasses. These ecosystems provide increased water infiltration into groundwater, decreased run-off into surface water, air quality improvements. They also require much less maintenance than traditional turf grass, an important consideration for homeowners associations responsible for maintenance of community open spaces.

Open space containing forest and/or wetlands should be placed into a permanent conservation easement or other binding protection. These areas should be clearly marked and delineated so that residents understand their importance and homeowner activities do not infringe upon them.

Rare/Threatened/Endangered Species

The site lies within three miles of a known Delmarva fox squirrel (*Sciurus niger cinereus*) population at the Prime Hook National Wildlife Refuge. Delmarva fox squirrels were listed as federally endangered in 1967 and are protected by the Endangered Species Act. They generally inhabit mature forests with open understories and wet woodlands, but can be opportunistic in their habitat choice. The proposed project area contains potential habitat for Delmarva fox squirrels and the following is required prior to beginning work:

- 1) Completely avoid all direct and indirect impacts to the habitat, in consultation with the U.S. Fish and Wildlife Service (Trevor Clark , (410)573-4527) and Delaware Division of Fish and Wildlife, Nongame and Endangered Species Program (Holly Niederriter (302)653-2880); or
- 2) Conduct surveys to determine if Delmarva fox squirrels are present. In accordance with Delaware's procedures, surveys must be conducted by a State approved fox squirrel surveyor two times between September and May: once in the fall, and once between March 15 and May 30. A list of qualified surveyors is available upon request. Please note that surveys may confirm the presence of fox squirrels but cannot confirm absence.

Recreation

Sidewalks fronting every residence and stub streets are recommended. A complete system of sidewalks will: 1) fulfill the recreation need for walking and biking facilities, 2) provide opportunities for neighbors to interact in the community, and 3) facilitate safe and convenient off-road access to neighboring communities, parks, public mass transit stops, schools, stores, work, etc.

It is recommended that the developer dedicate a portion of the development for a community park. The Division of Parks and Recreation conducted a telephone survey of

Delaware residents to gather information on outdoor recreation patterns and preferences, as well as other information on their landscape perception. These findings are the foundation of the 2003-2008 Statewide Comprehensive Outdoor Recreation Plan (SCORP) providing guidance for investments needed in outdoor recreation facilities. The high facility needs in Eastern Sussex County are Walking and Jogging, Bike Paths and Fishing Areas. The moderate facility needs are Picnic Areas, Skate Facilities, Canoe/Kayak Access, Hiking Trails, Swimming Pools, Playgrounds, Soccer Fields, Tennis Courts, Power Boat Access and Baseball/Softball Fields. Consideration should be given to incorporate some of these recreation opportunities in the project. For information about outdoor recreation priorities, contact Bob Ehemann (302) 739-9235.

Solid Waste

Each Delaware household generates approximately 3,600 pounds of solid waste per year. On average, each new house generates an additional 10,000 pounds of construction waste. Due to Delaware's present rate of growth and the impact it will have on existing landfill capacity, the applicant is requested to estimate the amount of solid waste that will be generated as a result of construction and occupancy of this development.

Delaware State Housing Authority – Contact Jimmy Atkins 739-4263

The proposal is to develop 95 units on 47.5 acres located on the west side of Reynolds Road north of Milton. According to the *Strategies for State Policies and Spending*, the proposal is located in an Investment Level 4 area and outside the growth zone. As a general planning practice, DSHA encourages residential development in areas where residents will have proximity to services, markets, and employment opportunities such as Investment Level 1 and 2 areas outlined in the State Strategies Map. The proposal is located in an area targeted for agricultural and natural resource protection, and therefore inconsistent with where the State has planned for new residential development.

State Fire Marshal's Office – Contact Duane Fox 856-5298

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

1) Fire Protection Water Requirements:

- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Treatment BLD)
- Where a water distribution system is proposed for single family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required. (One & Two- Family Dwelling)
- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains of fire hydrants and sprinkler systems.

2) Fire Protection Features:

- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sq.ft., 3-stories of more or over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

3) Accessibility

- All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Old Mill Road must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

4) Gas Piping and System Information

- Provide type of fuel proposed, and show size and location of bulk containers on plan.

5) Required Notes

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Townhouse 2-hr separation wall details shall be shown on site plans
- Note indicating if building is to be sprinklered
- Name of Water Provider

- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

Department of Agriculture - Contact Mark Davis 739-4811

The Delaware Department of Agriculture does not support development of this parcel within the Level 4 area. This site is located just north of approximately 1,000 acres of permanently preserved agricultural land and 1,000 acres of agricultural land enrolled in the Department's ten-year preservation program. The Department of Agriculture has a responsibility and a vested interest to ensure the future viability of agricultural operations in this area. Experience has demonstrated that the land use expectations of most non-agricultural suburban/rural residents are not compatible with those of rural farm families. In addition, residential growth needs are better served within established residential communities.

This development as proposed will lessen the value of environmental resources found within and adjacent to the site. The Department strongly encourages the developer to improve the design of the subdivision by offering greater environmental opportunities for surrounding communities, and offers its services to the developer in this regard.

The site borders the Carlton Wells Agricultural Preservation District to the south and as such both the 50-foot setback and 300-foot notification zone requirements apply. The developer will be required to place the following notice in every new recorded deed located within the development.

§ 910. Agricultural use protections.

a) Normal agricultural uses and activities conducted in a lawful manner are preferred and priority uses and activities in Agricultural Preservation Districts. In order to establish and maintain a preference and priority for such normal agricultural uses and activities and avert and negate complaints arising from normal noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations, land use adjacent to Agricultural Preservation Districts shall be subject to the following restrictions:

(1) For any new subdivision development located in whole or in part within 300 feet of the boundary of an Agricultural Preservation District, the owner of the development shall provide in the deed restrictions and any leases or agreements of sale for any residential lot or dwelling unit the following notice:

"This property is located in the vicinity of an established Agricultural Preservation District in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any

annoyance or inconvenience which may result from such normal agricultural uses and activities."

(2) For any new subdivision development located in whole or in part within 50 feet of the boundary of an Agricultural Preservation District, no improvement requiring an occupancy approval shall be constructed within 50 feet of the boundary of the Agricultural Preservation District.

(b) Normal agricultural uses and activities conducted in accordance with good husbandry and best management practices in Agricultural Preservation Districts shall be deemed protected actions and not subject to any claim or complaint of nuisance, including any such claims under any existing or future county or municipal code or ordinance. In the event a formal complaint alleging nuisance related to normal agricultural uses and activities is filed against an owner of lands located in an Agricultural Preservation District, such owner, upon prevailing in any such action, shall be entitled to recover reasonably incurred costs and expenses related to the defense of any such action, including reasonable attorney's fees. (68 Del. Laws, c. 118, § 2.)

Right Tree for the Right Place

The Department of Agriculture encourages the developer to use the "Right Tree for the Right Place" concept in any design considerations. This concept outlines the proper placement of trees to increase property value and reduce heating and cooling costs by an average of 20 to 35 dollars per month. A landscape design that uses this approach reduces maintenance costs to property owners and ensures a lasting forest resource.

Native Landscapes

The Department of Agriculture encourages the developer to use native trees and shrubs to buffer the property from adjacent land-use activities near the site. A properly designed forested buffer can create wildlife habitat corridors, clean our rivers and creeks of storm-water run-off pollutants, and improve air quality to the area by removing six to eight tons of carbon dioxide annually. To learn more about acceptable native trees and how to avoid plants considered invasive to local landscapes, contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.

Tree Preservation

The Department of Agriculture encourages the developer to implement tree preservation activities to ensure the health and vigor of the resource. Trees are affected by compaction of soils during the construction process; guidelines established by the International Society of Arboriculture (ISA) serve to lessen this impact and increase value to the site.

Tree Mitigation

The Delaware Forest Service notes the relocation of the on-site waste-water system and understands the challenges of its design and placement. It is acknowledged that tree removal will be necessary to this aspect of the development. The Forest Service encourages the developer to implement tree mitigation at a 1:1 ratio within the site to replace trees lost in construction.

Department of Education – Contact Nick Vacirca 739-4658

It is estimated that 95 dwelling units will generate 48 additional students for the Cape Henlopen School District. Sussex County does not have school concurrence legislation

at this time and it is recommended that the developer submit a package to the school district for informational purposes.

Strategies for State Policies and Spending recommends no development in Level 4 areas and provides little or no support where development occurs. Development approved in Level 4 areas will require student transportation support, a State financed program.

If the development is approved and built, use the following guidelines for school transportation planning. If there are homes more than 1/2 mile from the nearest public road (outside the development), the developers should provide streets wide enough for large school buses to access and turn around without backing from the furthest areas within the development. Should there be no homes more than 1/2 mile from the nearest public road, provisions for appropriate pick-up and drop-off at the development entrance should be made. The developer should work closely with the school district transportation supervisor.

Additionally, according to legislation passed in 2004, future public school sites must be located in designated growth areas and approved by the State Budget Director, the State Planning Director, and the State Secretary of Education.

Public Service Commission - Contact Andrea Maucher 739-4247

For both water and wastewater, the application notes "Tidewater Utilities;" however, the project is not within one of its certificated service areas. Tidewater will need to apply to the Commission for a Certificate of Public Convenience and Necessity (CPCN). Any expansion of natural gas or installation of a closed propane system must comply with Federal Pipeline Safety guidelines.

Delaware Emergency Management Agency – Contact Don Knox 659-3362

Due to the number of residential units being proposed and its location in the Level 4 Area, an impact to public safety is foreseen by implementation of this project. The developer should notify the police, fire service, and emergency medical response organization serving this portion of Sussex County, to keep them apprised of all development activities. This area could experience possible flooding from a category 3 or greater hurricane. Routes 1, 5, and 16 are coastal storm evacuation routes and this development will be affected by traffic volume on these routes during a coastal storm event.

Sussex County – Contact Richard Kautz 855-7878

Because this project is an AR-1 Cluster subdivision, the application must include a plan for the management of all open space. The developer must document for the Planning and Zoning Commission how the proposed development: provides for a total environment and design which are superior to that which would be allowed under the standard lot option; preserves the natural environment and historic or archeological resources; and, will not have an adverse effect on any of the items included under Ordinance Number 1152 (County Code 99-9C). These issues can be addressed by

including in the application an explanation of how the developer plans to mitigate issues raised by State agencies.

This summer Sussex County will be considering implementation of a Source Water Protection Program required by the State. This project might be affected by requirements adopted by the County Council. Any well location should ensure that the wellhead protection area is entirely on-site.

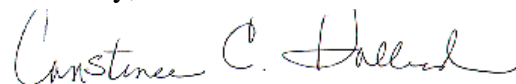
The proposal includes a private central community wastewater system. It is recommended that the wastewater system be operated under a long-term contract with a capable wastewater utility in place prior to project approval. The project is located outside of the Inland Bays Planning area where Sussex County expects to provide sewer service. Sussex County requires design and construction of the collection and transmission system to meet Sussex County sewer standards and specifications. A review and approval of the treatment and disposal system by the Sussex County Engineering Department is also required. Plan review fees may apply. Wastewater disposal fields should not be counted as open space and should be clearly identified on recorded plots.

If Sussex County provides sewer service in the future, the treatment system must be abandoned and a direct connection made to the County system at the developers and/or homeowners association expense. For questions regarding these comments, contact Rob Davis, Sussex County Engineering Department, (302) 855-7820.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland".

Constance C. Holland, AICP
Director

CC: Sussex County